

# Notice of Allowability

Application No.

09/914,127

Examiner

Longbit Chai

Applicant(s)

WAJS, ANDREW AUGUSTINE

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to phone interview on 1/26/2007.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

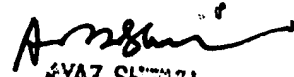
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 1/26/2007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
ANDREW AUGUSTINE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

## DETAILED ACTION

### *Examiner's Amendment*

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert B. Madden (Reg. No. 57,521) on 1/26/2007.

This application has been amended as follows:

#### IN THE CLAIMS

Replace claims 14 – 16 as follows.

Cancel claims 17 – 20.

#### **Claim 14:**

The system of claim 1, further including [[A]] a control device for a receiver at least one of the number of receivers for controlling the use of a program signal ~~in a system~~ comprising a decryptor to retrieve the control words from ECMs by decrypting the ECMs, and for delivering decrypted control words descrambling a program signal, wherein the decryptor is adapted to check the control information of the decrypted ECMs and to insert a time slot in the first

Art Unit: 2131

type of content signals by processing ECMs to deliver decrypted control words for descrambling at least the first type of content signals as indicated by the control information.

**Claim 15:**

The system of claim 14, ~~A control device according to claim 14,~~ wherein the decryptor delivers decrypted control words of the first or second ECMs in accordance with the control words of the first or second ECMs in accordance with the control information to descramble content signals of the first or second type, respectively.

**Claim 16:**

The system of claim 14, ~~A control device according to claim 14,~~ further comprising a real time clock, wherein the decryptor is adapted to check the timing information in the control information of each ECM by means of the real time clock and to continue to deliver control words of the ECMs to descramble the program signal only if the timing information corresponds with the time indication provided by the real time clock.

***Allowable Subject Matter***

1. Claims 1 – 16 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Art Unit: 2131

The above mentioned claims are allowable over prior arts because the CPA (Cited Prior Art) of record fails to teach or render obvious the claimed limitations in combination with the specific added limitations, as recited in independent claims 1.

The prior-arts of Maillard (Patent Number: EP 0912052 A1), in view of Morrison (Patent Number: 5815671), and Wendorf (Patent Number: 5469431) fails to teach or suggest a method for controlling the use of a program signal in a broadcast system, comprising one or more broadcasters and a number of receivers storing program signals, wherein the program signal comprises content signals of a first and a second type, wherein the second type of content signals is inserted in time slots in the first type of content signals; and wherein at least a plurality of said ECMs containing the control words in an encrypted manner further comprises control information to control the decryptor in such a manner that the decryptor processes ECMs to deliver decrypted control words for descrambling at least the first type of content signals so as to maintain at least the time slots for second type of content signals in the first type of content signals during playback of the program signal.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2131

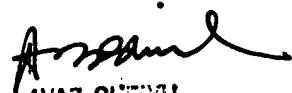
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit 2131

  
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